



**Fitch, Even, Tabin & Flannery**

*Intellectual Property Law*

RECEIVED  
CENTRAL FAX CENTER

DEC 02 2004

# F A C S I M I L E

Name: U.S. Patent & Trademark Office

FAX: (703) 872-9306

Application No.: 10/039,311

Filing Date: October 26, 2001

Inventor: CLARK et al.

Art Unit: 2881

Examiner: Vanore, David A.

From: Steven M. Freeland, Reg. No. 42,555

Today's Date: December 2, 2004

Attorney Docket No.: 70625/5102

Pages: 9 pages (including this 1-page coversheet)

Dispatched by: Leticia M. Hillary

**Transmitted herewith for filing via facsimile:**

Transmittal Form (1 pg.); Fee Transmittal, in duplicate (2 pgs.); Amendment "A" (4 pgs.); Terminal Disclaimer (1 pg.); Fax coversheet (1 pg.)

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250  
San Diego, California 92121-7701  
Telephone 858-552-1311  
Fax 858-552-0095  
70625fxc.sma

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

## Transmittal Form

(to be used for all correspondence after initial filing)

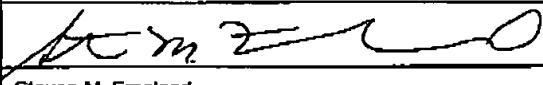
		Application Number	10/039,311
		Filing Date	October 26, 2001
		First Named Inventor	Clark et al.
		Art Unit	2881
		Examiner Name	Vanore, David A.
Total Number of Pages in This Submission	9	Attorney Docket Number	70625/5102

## ENCLOSURES (CHECK ALL THAT APPLY)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeals Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  1) Facsimile Transmission Coversheet
Remarks:		

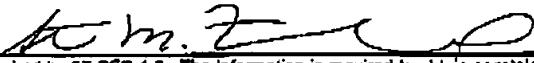
Customer Number: 22242

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm name	Fitch, Even, Tabin & Flannery		
Signature			
Printed Name	Steven M. Freeland		
Date	December 2, 2004	Reg No.	42,555

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Steven M. Freeland		
Signature		Date	December 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DON NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB17 (11-04)

Approved for use through 07/31/2005; OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective 10/01/2004. Patent fees are subject to annual revision.

# FEE TRANSMITTAL FOR FY 2005

Express Mail Label No.

Applicant Claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$110.00)

Complete If Known	
Application Number	10/039,311
Filing Date	October 26, 2001
First Named Inventor	Clark et al.
Examiner Name	Vanore, David A.
Art Unit	2881
Attorney Docket No.	70625/5102

METHOD OF PAYMENT (Check all that apply)		FEE CALCULATION (continued)																																																																																																																
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Deposit Account <input type="checkbox"/> None  Deposit Account Number 06-1135  Deposit Account Name Fitch, Even, Tabin & Flannery		<b>2. EXTRA CLAIM FEE</b> <table> <thead> <tr> <th>Fee Description</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Each claim over 20</td> <td>18</td> <td>9</td> </tr> <tr> <td>Each independent claim over 3</td> <td>88</td> <td>44</td> </tr> <tr> <td>Multiple dependent claims</td> <td>300</td> <td>150</td> </tr> <tr> <td>For Reissues, each claim over 20 and more than the original patent</td> <td>18</td> <td>9</td> </tr> <tr> <td>For Reissues, each independent claim more than in the original patent</td> <td>88</td> <td>44</td> </tr> </tbody> </table> <table> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee (\$)</th> <th>Fee Paid (\$)</th> </tr> </thead> <tbody> <tr> <td>— 20 or HP =</td> <td>X</td> <td>=</td> <td></td> </tr> <tr> <td colspan="4">HP = Highest number of total claims paid for, if greater than 20</td> </tr> <tr> <th>Indep. Claims</th> <th>Extra Claims</th> <th>Fee (\$)</th> <th>Fee Paid (\$)</th> </tr> <tr> <td>— 3 or HP =</td> <td>X</td> <td>=</td> <td></td> </tr> <tr> <td colspan="4">HP = highest number of independent claims paid for, if greater than 3</td> </tr> <tr> <th>Multiple Dependent Claims</th> <th></th> <th>Fee (\$)</th> <th>Fee Paid (\$)</th> </tr> <tr> <td colspan="2"></td> <td></td> <td></td> </tr> <tr> <td colspan="2"></td> <td>Subtotal (2)</td> <td>\$</td> </tr> </tbody> </table> <b>3. OTHER FEES</b> <table> <thead> <tr> <th>Fee Description</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Paid (\$)</th> </tr> </thead> <tbody> <tr> <td>1-month extension of time</td> <td>110</td> <td>55</td> <td></td> </tr> <tr> <td>2-month extension of time</td> <td>430</td> <td>215</td> <td></td> </tr> <tr> <td>3-month extension of time</td> <td>980</td> <td>490</td> <td></td> </tr> <tr> <td>4-month extension of time</td> <td>1,630</td> <td>765</td> <td></td> </tr> <tr> <td>5-month extension of time</td> <td>2,080</td> <td>1,040</td> <td></td> </tr> <tr> <td>Information disclosure Stmt. fee</td> <td>180</td> <td>180</td> <td></td> </tr> <tr> <td>37 CFR 1.17(q) processing fee</td> <td>50</td> <td>50</td> <td></td> </tr> <tr> <td>Non-English specification</td> <td>130</td> <td>130</td> <td></td> </tr> <tr> <td>Notice of Appeal</td> <td>340</td> <td>170</td> <td></td> </tr> <tr> <td>Filing a brief in support of appeal</td> <td>340</td> <td>170</td> <td></td> </tr> <tr> <td>Request for oral hearing</td> <td>300</td> <td>150</td> <td></td> </tr> <tr> <td>Other: Terminal Disclaimer Fee</td> <td></td> <td></td> <td>110.00</td> </tr> <tr> <td colspan="2"></td> <td>Subtotal (3)</td> <td>\$110.00</td> </tr> </tbody> </table>			Fee Description	Fee (\$)	Small Entity Fee (\$)	Each claim over 20	18	9	Each independent claim over 3	88	44	Multiple dependent claims	300	150	For Reissues, each claim over 20 and more than the original patent	18	9	For Reissues, each independent claim more than in the original patent	88	44	Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	— 20 or HP =	X	=		HP = Highest number of total claims paid for, if greater than 20				Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	— 3 or HP =	X	=		HP = highest number of independent claims paid for, if greater than 3				Multiple Dependent Claims		Fee (\$)	Fee Paid (\$)							Subtotal (2)	\$	Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)	1-month extension of time	110	55		2-month extension of time	430	215		3-month extension of time	980	490		4-month extension of time	1,630	765		5-month extension of time	2,080	1,040		Information disclosure Stmt. fee	180	180		37 CFR 1.17(q) processing fee	50	50		Non-English specification	130	130		Notice of Appeal	340	170		Filing a brief in support of appeal	340	170		Request for oral hearing	300	150		Other: Terminal Disclaimer Fee			110.00			Subtotal (3)	\$110.00
Fee Description	Fee (\$)	Small Entity Fee (\$)																																																																																																																
Each claim over 20	18	9																																																																																																																
Each independent claim over 3	88	44																																																																																																																
Multiple dependent claims	300	150																																																																																																																
For Reissues, each claim over 20 and more than the original patent	18	9																																																																																																																
For Reissues, each independent claim more than in the original patent	88	44																																																																																																																
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)																																																																																																															
— 20 or HP =	X	=																																																																																																																
HP = Highest number of total claims paid for, if greater than 20																																																																																																																		
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)																																																																																																															
— 3 or HP =	X	=																																																																																																																
HP = highest number of independent claims paid for, if greater than 3																																																																																																																		
Multiple Dependent Claims		Fee (\$)	Fee Paid (\$)																																																																																																															
		Subtotal (2)	\$																																																																																																															
Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)																																																																																																															
1-month extension of time	110	55																																																																																																																
2-month extension of time	430	215																																																																																																																
3-month extension of time	980	490																																																																																																																
4-month extension of time	1,630	765																																																																																																																
5-month extension of time	2,080	1,040																																																																																																																
Information disclosure Stmt. fee	180	180																																																																																																																
37 CFR 1.17(q) processing fee	50	50																																																																																																																
Non-English specification	130	130																																																																																																																
Notice of Appeal	340	170																																																																																																																
Filing a brief in support of appeal	340	170																																																																																																																
Request for oral hearing	300	150																																																																																																																
Other: Terminal Disclaimer Fee			110.00																																																																																																															
		Subtotal (3)	\$110.00																																																																																																															
FEE CALCULATION																																																																																																																		
1. BASIC FILING FEE																																																																																																																		
Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)																																																																																																															
Utility filing fee	\$790	\$395	—																																																																																																															
Design filing fee	\$350	\$170	—																																																																																																															
Plant filing fee	\$550	\$275	—																																																																																																															
Reissue filing fee	\$790	\$395	—																																																																																																															
Provisional filing fee	\$160	\$80	—																																																																																																															
<b>SUBTOTAL (1) (\$)</b>																																																																																																																		

SUBMITTED BY				
Signature			Registration No. (Attorney/Agent)	42,555
Name (Print/Type)	Steven M. Freeland		Date	December 2, 2004

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.